



42 Valley Crescent
PO Box 208
Palmer Lake CO 80133
719-481-2953 – office

Office Use Only	
Case Number:	_____
Date:	_____ PC 4/20
Fees:	_____ \$500.00
Check #:	_____ 204
Rec'd By:	_____ [Signature]
<i>Note: A minimum of ten days are required to process this application</i>	

Right-of-Way Application

Name of Applicant/Property Owner: Gene E and Maria A.T Kalesti

Address: 171 Shady Lane PO BOX 615 Phone#: 720-475-6894

Email: gkalesti@gmail.com

Name of Proposal: JPB Vacate a portion of Fowler Branch near / behind 171 Shady Lane / Vacate Loveland Slope from Shady Lane to Fowler Branch

Legal Description or Address: Lot 1 Blk 8 Pine Crest Tri-Dist Assembly GRDS ADD 1 Palmer Lake

(If the applicant is someone other than the property owner, the applicant must provide a notarized letter from the property owner giving permission to be represented in this action).

This is a Right-of-Way Vacation – A Right of Way vacation is the termination of the public interest in a right-of-way (built or unbuilt); it extinguishes the easement for public travel that is represented by the right-of-way. The Right of Way is equally divided.


Criteria for approval of a Right-of-Way Vacation - In order to approve any Right-of-Way vacation, the Planning Commission must find, based upon evidence, both factual and supportive, provided by the applicant that the vacation sought will not leave any lands adjoining without an established right of way. and that the portion of the right of way sought to be vacated has now become useless to the property owners, the general public, and the Town of Palmer Lake, and that the Final Plat meets all of the criteria stated in Section 16 of the Palmer Lake Municipal Code.


By signing, Applicant agrees to the following:

- Town of Palmer Lake staff or its consultants may enter the property to inspect the property and evaluate the proposal.
- The applicant/petitioner is liable for all fees and costs associated with the Town's review of this application. These may include, but are not limited, to engineering and consultant fees, public notice / recordation fees, and any other fees paid by the Town in connection with or related to this application.

Payment of the above fees shall not relieve the applicant of any other fees incurred by the Town.

As owner/applicant, I understand and affirm the information contained in this application is accurate, and I agree to the above conditions.

Applicant Signature:  Date: January 21st 2022 ^{3/2/2022}

Applicant Signature: Maria Antonieta T Kalasti Date: January 21st 2022 ^{3/2/2022}
(if needed) 

If the applicant is not the owner:

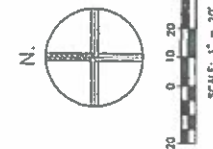
As owner of the above property, I agree to the application.

Owner – Print: _____

Owner – Signature: _____ Date: _____

SURVEY EXHIBIT

Vacation of Fowler Branch and Loveland Slope



LEGAL DESCRIPTION:

RIGHT OF WAY VACATION

That portion of the 20 foot RIGHT OF WAY known as FOWLER BRANCH as shown on PNE CREST TRACT ASSEMBLY ORDINANCE ADDITION NO. 1, situated in Section 8, Township 11 South, Range 67 West of the 6th P.M. (Book R of Page 22, Plat records El Paso County, El Paso County, Colorado), described as follows:

that portion of said Fowler Branch being Eastern of the portion referenced as Ordinance No. 1 1956 and being adjacent to Lots 11, 12 and 13 in Block 11 and Lots 1 and 2 in Block 8 containing a Computed Area of 2,953 square feet of Land within this description, together with . . .

that portion of the 20 foot RIGHT OF WAY known as LOVELAND SLOPE as shown on PNE CREST TRACT ASSEMBLY ORDINANCE ADDITION NO. 1, situated in Section 8, Township 11 South, Range 67 West of the 6th P.M. (Book R of Page 22, Plat records El Paso County, El Paso County, Colorado), described as follows:

that portion of said LOVELAND SLOPE being adjacent to Lots 1 in Block 8 and Block 9 containing a Computed Area of 1,949 square feet of Land within this description.

Heard and recommended for approval on the ____ day of _____ by the Planning Commission, Town of Palmer Lake.

(signature line for Chair, Planning Commission)

Heard and approved on the ____ day of _____ by the Board of Trustees for the Town of Palmer Lake.

(signature line for Mayor, Board of Trustees)

Attest by: _____

(signature line for Town Clerk)

SURVEYORS STATEMENT:

I, James P. Behrman, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the attached SURVEY EXHIBIT was prepared by me and on the basis of my knowledge, information and belief, is correct.



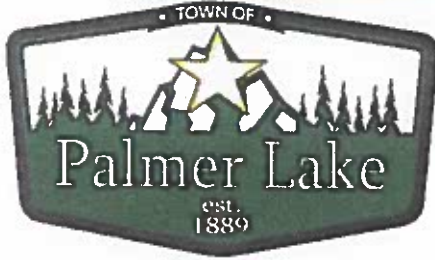
James P. Behrman,
Professional Land Surveyor
Colorado PLS 37831

SURVEY EXHIBIT

GEORGE PAINE SURVEYING SERVICE, INC.
 1000 PINE STREET, SUITE 100
 COLORADO SPRINGS, CO 80904-1914
 PHONE: 719-586-3346
 FAX: 719-586-3346

NO.	DATE	BY	BY
1	07/23	James P. Behrman	James P. Behrman
2	07/23	James P. Behrman	James P. Behrman
3	07/23	James P. Behrman	James P. Behrman
4	07/23	James P. Behrman	James P. Behrman
Contract date: January 22, 2022		Scale: 1" = 20'	Drawn by: JPB
Proj. No.: 21111704 V.C. and		Sheet: 1 of 1	Project no.: 21111704

Letter of Intent for Right of Way Application



Right of Way Application Rev. 05/2021

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Right-of-Way Application

Letter(s) of Intent - why you are making this request, adjoining property owner

Vacation of Fowler Branch and Loveland Slope Letter of Intent from adjoining property owner. See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

Supporting Letter of Intent, abutting property owner and ROW vacation applicant.

Gene E and Maria A.T. Kalesti
171 Shady Lane BOX 615
Palmer Lake, CO 80133

We owners Gene and Maria Kalesti of 171 Shady Lane respectfully request Loveland Slope from Shady Lane to Fowler Branch be vacated.

As well the portion of Fowler Branch be vacated directly behind our 171 Shady Lane home. Please see detailed Survey Exhibit “**Vacation of Fowler Branch and Loveland Slope**” Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

Loveland Slope Right of Way statements of fact by Kalesti’s, the abutting property owners:

1. Loveland slope has not been used for access to any property past or present. This fact is supported by all surrounding neighbors (See supporting letters from surrounding neighbors) and has been video documented in the for nearly a year.
2. There is no adjoining or abutting lands that need a Right of Way.

Letter of Intent for Right of Way Application

3. Lands nearby have always used the established Loveland Slope to Fowler Branch to access those lands on Fowler Branch. Loveland Slope is not presently or has been in the past been used for a daily, weekly, monthly or semiannual use.
4. The only adjoining and abutting landowners, Kerry J. Paige, Gene Kalesti and Maria Kalesti agree this land is unused, useless to property owners and general public.
5. Adjoining and abutting landowners to Loveland Slope, Kerry J. Paige, Gene Kalesti and Maria Kalesti want to acquire the land the ROW is on and place a permanent fence on our new property line.
6. It's our understanding that Loveland Slope is apparently too steep to develop at this time.
7. Developing Loveland Slope would not be a civic minded plan to protect home owners and would require it be done within the 20' allotted width, this would further encroachment on our property and abutting neighbor. Our property is already being encroached upon over time. We want to use all 8,273 sf of our property.
8. Wildlife as it's been 100's of years would be forever damaged and change for the worse if this vacation is not agreed to.
9. Road development of hard surfaced or compacted road structure would exacerbate the already very major issue of snow melt and storm water runoff damage to our property, our abutting neighbor, Shady Lane, homes and properties below Shady Lane. Impossible to not encroach and stay withing the 20' easement. Please see Land Survey Plat
10. If we prevail the new acquired land would be planted with indigenous wild grass that can act as a leach field to absorb snow melt and rain.

It is the desire of the only two abutting neighbors, Kerry Paige to be approved for vacating Loveland Slope as shown in Survey EXHIBIT. This ROW is a hazard for fire trucks due to the complete inability to access due to the very steep slope or for any large vehicle to make the turn into the ROW and proceed to the top. There is also nowhere to turn a large truck. It is also a fact that all electrical and communication utilities would have to be moved from the NW corner of Block 9 of our adjoining abutting neighbors' property of Kerry J Paige.

Fowler Branch Right of Way statements of fact by Kalesti's, the abutting property owners:

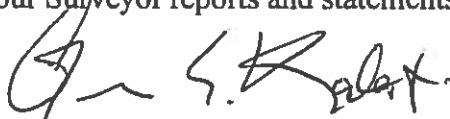
Letter of Intent for Right of Way Application

1. The Fowler Branch ROW section described in our Survey EXHIBIT directly behind our home and our abutting neighbor Jim Andrews home has not been used for access to any property past or present. This fact is supported by all surrounding neighbors (See supporting letters from surrounding neighbors) and has been video documented for nearly a year.
2. There is no adjoining or abutting lands that need a Right of Way.
3. Lands nearby have always used the established Fowler Branch from South Fork to access those lands on Fowler Branch. Fowler Branch is not presently or has been in the past been used for a daily, weekly, monthly or even semimanual use.
4. The only adjoining and abutting landowners, James "Jim" Andrews, Gene Kalesti and Maria Kalesti agree this land is unused, useless to property owners and general public.
5. Fowler Branch has also been vacated for many years from Block 8 lot 2 and Block 11 Lot 13 to the NW (Vacated Fowler Branch Ordinance No1 1956)
6. Adjoining and abutting landowners to Fowler Branch, Jim Andrews, Gene Kalesti and Maria Kalesti want to acquire the land the ROW is on and place a permanent fence on our new property line to provide security for our pet as nearly 100's of homeowners have done.
7. It's our understanding Fowler Branch is a ROW for Block 11, Lot 8, 9, and 10. It been surveyed and is comparatively level, a complete difference compared to Loveland Slope.
8. Wildlife as it's been 100's of years would be forever damaged if the ROW between agreed abutting neighbors would not be approved to vacate.
9. Any development of any part of Fowler Branch will have to meet Town & El Paso County development codes to not cause any damages, especial water damage to our property.

It is the desire of the only two abutting neighbors, Jim Andrews and Gene and Maria Kalesti to be approved for vacating Fowler Branch as shown in Survey EXHIBIT.

We thank the Planning commission for their time and I look forward to giving much more details including our Surveyor reports and statements from nearby neighbors.

Thank You
Gene E Kalesti

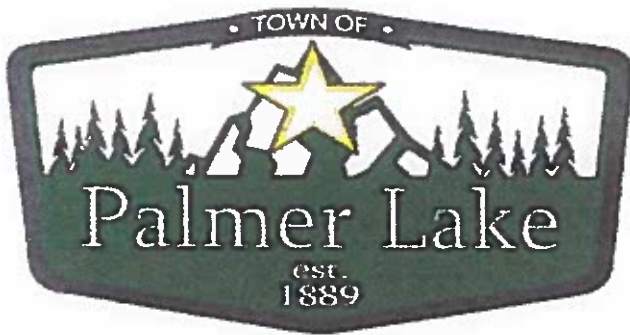


Date 2.22.2022

Maria A.T. Kalesti



Date 2.22.2022



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Letter(s) of Intent - why you are in support of this request; adjoining property owner

Vacation of Fowler Branch and Loveland Slope Letter of Intent from adjoining property owner. See EXHIBIT "Vacation of Fowler Branch and Loveland Slope"

Supporting Letter of Intent, abutting property owner.

Kerry J Paige
179 Shady Lane BOX 1638
Palmer Lake, CO 80133

1. Loveland Slope is not the sole access to properties behind mine.
2. Other than my immediate neighbor, adjoining properties are not in need of right of way.
3. The development of Loveland Slope would put the road a few feet from my front door.
4. Also Utility poles, boxes and trees would have to be removed.
5. Topography would seem to create drainage problems.
6. Neighborhood aesthetics would diminish.

Kerry J Paige

Kerry J Paige

Date 2/28/22

Letter of Support for Right of Way Application



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Right-of-Way Application

Letter of support - why you are making this letter of support, nearby property owner.

Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.

See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

Supporting Letter of Support by nearby property owner/s.

We owner/s George E. Parsons and Beverley Dale Parsons support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated.

As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit “**Vacation of Fowler Branch and Loveland Slope**” Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

Beverley and I support vacating the aforementioned roads as a needed change to our neighborhood. I formally owned the property owned now by Kerry Paige. It would be irresponsible for any civic body to allow roads to be developed surrounding the Block 9, a single residence. I had vacated the lower half of Loveland Slope years ago. It was not useful as a road. The upper half of Loveland Slope is also not appropriate as a useful Road. Drainage alone can

Letter of Support for Right of Way Application

cause many problems for Shady Lane. Please allow the vacation of the upper part of Loveland Slope.

George E. Parsons March 3, 2022
George E. Parsons

Beverley Dale Parsons March 3, 2022
Beverley Dale Parsons

164 Shady Lane
Palmer Lake, CO 80133
719-481-2815

Letter of Support for Right of Way Application



Right of Way Application Rev. 05/2021

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Right-of-Way Application

Letter of support - why you are making this letter of support, nearby property owner.

Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.

See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

Supporting Letter of Support by nearby property owner/s.

We owner/s Mary Koch 172 Shady Lane support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit “**Vacation of Fowler Branch and Loveland Slope**” Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

Vacation of Fowler Branch Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

I SUPPORT the vacating of Loveland Slope Right of Way.

1. The lower half of Loveland Slope was already deemed not useful as a road, neither is the upper half. The drainage from the upper side of Shady Lane has already caused runoff damage to my property, and making the upper half a road would only make it worse.

2. Loveland Slope is not the only means of access to those properties, and adding another road would not only cause damage to the existing nature, but ruin the atmosphere of our quaint and peaceful neighborhood.

Mary E Kouch

Date 3/3/2022

Letter of Support for Right of Way Application



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Right-of-Way Application

Letter of support - why you are making this letter of support, nearby property owner.

Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.

See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

Supporting Letter of Support by nearby property owner/s.

We owner/s Chris and Charlene Schutte, 188 Shady Lane support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit **“Vacation of Fowler Branch and Loveland Slope”** Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

Letter of Support for Right of Way Application

Vacation of Fowler Branch Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

1. Our property and neighboring properties have been affected by surface water runoff onto our land. We have sustained damage to property and loss of property due to the water that runs downhill from South Fork onto Shady Lane during heavier or extended rain periods
2. Due to the terrain any additional roads sloping downhill in this area will add to the existing issues of surface water runoff as there is no storm water system or swale to manage this runoff. We have reported and discussed this issue with the Town of Palmer Lake and it has been stated that the town will need to engineer a solution and identify a budget long term to address this issue, there are no immediate solutions.

Chris Schutte 

Date 3/2/2022

Letter of Support for Right of Way Application



Right of Way Application Rev. 05/2021

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Right-of-Way Application

Letter of support - why you are making this letter of support, nearby property owner.

Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.

See **EXHIBIT “Vacation of Fowler Branch and Loveland Slope”**

Supporting Letter of Support by nearby property owner/s.

We owner/s Gary and Dorothy Gore support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit **“Vacation of Fowler Branch and Loveland Slope”** Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

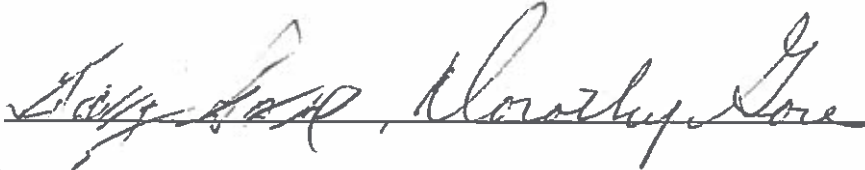
Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

We support the vacation of Loveland Slope. It was never intended as a road and, as shown in the survey, is too steep for emergency vehicle use.

Palmer Lake has long since ignored and neglected services of engineers and surveyors under pressure of those seeking personal gain. Such decisions have violated regulations affecting major concerns of drainage, property lines, utilities, etc. It is time for responsible action and professional planning that focuses on the future of our community.

Letter of Support for Right of Way Application

Vacation of Fowler Branch Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

 Date 3/3/2022

ROW Vacate Applicant
Mr. Kalesti,
171 Shady Lane

**Arguments Against Vacating the
Loveland Right-of-Way**

Against ROW Vacation
Randy & Debbie Perry
Lots 9-10 Fowler Branch

As the property owner of lots 9-10 boarding the Fowler Branch right-of-way with access from the Loveland right-of-way, we disagree with this request to vacate the Loveland right-of-way for the following reasons.

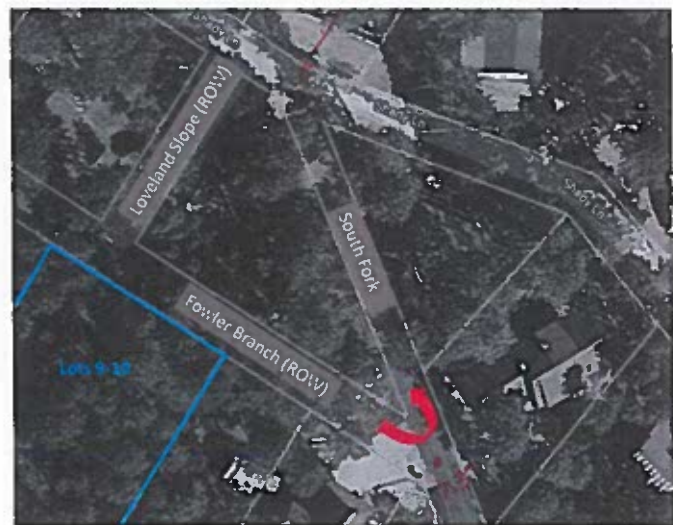
1) **Fire Hydrant Access:** In the event of fire, first responders will not have access to the closest fire hydrant located at the corner of the Loveland and Shady Lane intersection, approximately 110 ft from our property line. With the Loveland right-of-way being vacated, first responders will not be able to bring their fire hoses over private property that use to be a right-of-way. The next available fire hydrant is at the top of the hill on South Fork, requiring over 300 ft of fire hose to our property line.

2) **Utilities Access:** After discussions with the engineering departments of both the Black Forest Utilities and the CORE Electrical Cooperative, the preferred access point for natural gas and electrical connections to our property is through the Loveland right-of-way. Specifically, electrical access through the Fowler Branch right-of-way will require additional costs for utility placement to our property.

3) **Area Storm Drainage Mitigation:** There are considerable storm runoff drainage issues in the Shady Lane area that are affecting the down-hill residents with water damage to their properties. As future property development along Fowler Branch will require road engineering plans that include catch basins and culverts to control storm runoff from the Fowler Branch properties. Vacating the Loveland right of way would further restrict engineering options for storm mitigation planning for both Fowler Branch, Loveland, and Shady Lane properties, along with limiting the Town's Shady Lane drainage and road improvement plans.

4) **Loveland Slope is the Utilized and Preferred Access:**

Vacating the Loveland right-of-way restricts current, preferred, and future access for all property owners of Lots 8 through 14 along Fowler Branch. Significant issues will arise for the for us and the other properties along Fowler Branch Road if the Fowler Branch Road is developed, requiring property owners to negotiate 300 degree turn radius from Fowler Branch right-of-way onto South Fork Road.



Thank you for your time and consideration of these valid points to avoid vacating the Loveland right-of-way. Randy Perry, Cell: (719) 650-6831



Legend

- Mischlich's Properties (5-Lots)
- Andrew's Properties (3-Lots)
- Perry's Properties (2-Lots)
- Brook's Cabin Property (1-Lot)

Subject Loveland Slope and Fowler Branch —procedural question from meeting 4/20/22

From Debbie Perry <nh.native@me.com>

To Dawn Collins <dawn@palmer-lake.org>, bbass@palmer-lake.org <bbass@palmer-lake.org>

Cc Randall Perry <randall.perry@q.com>, trish flake <trishflake@msn.com>

Date Monday April 25, 2022 8:07:34 PM

Dawn and Mayor Bass

First, I want to say that was our first planning commissions meeting that we have attended in Palmer Lake. It was interesting and since we will need to attend this type of meeting in the future once our survey and engineering plans are prepared, we have a couple of procedural questions.

I noticed in the initial package, I can only presume that was provided to the planning commission during the meeting on 4/20/22 there were letters from Mr. Andrews and Mr. Richard Brooks and Mr. and Mrs Jeff and Pattie Brooks that were not included in the initial packet even though they appear to be dated in advance of this 4/20/22 planning commission meeting. I do not recall any mention of these letters at the meeting that evening. I do recall Mr. Inlenfeld (who I believe was the gentleman in red hat and sleeveless shirt who managed the gavel) telling Ms Trish Flakes that he was not interested in any third party communication when she tried to relay she had spoken to Mr. Andrews and had knowledge about Mr. Brooks. Would that have been the time to mention these letters from other property owners and who would have been the person to mention the letters to the planning commission board? Sorry, I guess there are two questions in that sentence.

There appears to know be a supplemental packet that supplies these letters from Mr. Andrews, Mr. Richard Brooks and Mr. and Mrs Jeff and Patti Brooks along with another letter from a Jessica and Nicholas Ehrhardt that was not included or mentioned at the meeting of 4/20/22 (pages 22-28). While I do not know if these letters would have made a difference in the vote that evening, I want to understand the process that should letters by neighbors that reside out of town and/or unable to attend said meeting are provided to the planning commission members making these decisions. After review of these letters and/or emails written directly to you, they each explain why they are unable to attend this meeting and they were advised to place something in writing but again no mentions of these letters were made during this very long meeting.

A vote occurred and recommendations were made to approve the vacating of Loveland Slope (with consideration that a portion of Mr. Paige's property that borders South Fork to be provided for better turning radius access to Fowler Branch property along with a utilities easement on Loveland to remain in place) which are now to be presented to the Board of Trustees on April 27th. Since these letters are in the supplemental package provided after the meeting does this mean that the board of trustees could potentially reverse the recommendations since these letters were not mentioned at the meeting?

Does the Board of Trustee have the final say or do they go off of the recommendations of the planning commissioners?

Again I am trying to understand the Town of Palmer Lakes process in deciding these important matters that effect neighbors and property owners who may own property in Palmer Lake.

I have included the attachments from the Town of Palmer Lake's website for easy reference.

Your response as to the procedure as stated above is greatly appreciated.

Randy and Debbie Perry

Attachments

MEET-Packet-ed1fa56c96bc4fe28c4110a1441dd28d.pdf (2.6 MB)

pc_packet_04.20.2022_supp.pdf (1.23 MB)

Dawn Collins

From: J Andrews <addawatt@yahoo.com>
Sent: Tuesday, April 19, 2022 9:40 PM
To: Dawn Collins
Subject: Loveland Slope and Fowler Branch

-----WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.-----

Hi Dawn, I cant make it to the planning meeting so if you share this communication it would be a good thing. In the broad scope of this issue we should not separate planning for Loveland Slope and Fowler Branch. Our primary concern should be towards the preservation of the exceptional quality life afforded us by making Palmer Lake our home. In my view, adequate storm runoff mitigation and emergency services access should be a top priority in any decision. At some point in the not too distant future someone is going to want to build a quaint tasteful cabin within reasonable hillside constraints on lots 9 and 10 on Fowler Branch . While I would rather that not happen, I no longer own that property and therefore have no control over the issue. I will vigorously defend the owners right to build within set parameters.

I have a proposal I hope every one will consider as part of a viable solution. Firstly, the majority of flooding on Shady Lane during heavy runoff seems to originate on South Fork. As I have witnessed on numerous occasions runoff crosses South Fork from Kerry's side to Jessica's side and takes the path of least resistance through the properties across and down Shady Lane. If we diagonal a couple of speed bumps across South Fork maybe it would be sufficient to shunt the runoff back towards Kerry's and into a new buried culvert across the front of Kerry's and terminating into the drain located at the utility cluster near the intersection of Loveland Slope and Shady Lane. My neighbors should not have to deal with perpetual flooding problems. I do not think Loveland Slope contributes to flooding on Shady Lane and if it does, it can be fixed with a garden rake . I think the Parsons' garage flooding problem can also be fixed with a garden rake. An extension of the existing culvert on Loveland Slope, maybe a perforated pipe on a gravel bed, and terminating at the drain on Shady Lane should preclude detrimental runoff situations which might otherwise occur as a result of likely development on Fowler Branch. We have to consider the water main that runs under Kerry's fence and maybe move the subsurface culvert towards the northwest, closer to the 171 property boundary to prevent water main freezing. The existing surface drainage should remain in place.

I am not in favor of abandoning Loveland Slope. I have spent twenty six years, thousands of dollars and applied well over 100 tons of gravel and road-base on and around Loveland Slope. Over the years there have been fire trucks, ambulances, police cars, 16 foot flat bed trailers full of horse poop, and a multitude of other vehicles making use of Loveland Slope to access Fowler Branch on a continual basis. Loveland Slope is the only somewhat improved access to my property and the back lots of the Misclisch estate. What I am even less in favor of is altering the established lawns on either side of Loveland Slope. There is a solution here I think may address multiple issues and it involves give and take from multiple parties.

South Fork already serves six houses and egress onto Shady Lane is tight. If Reverend Brooks agrees, access for properties on Fowler Branch could be up South Fork to Fowler Branch and then down Loveland Slope to Shady Lane. Hopefully there is no need to build a twenty foot road on Fowler Branch because it would chew up Kerry's back yard. Kerry would need to give up his south point at South Fork to provide a radius for the road. At Loveland Slope, Kerry would also give up a radius as required to bring road construction into elevation and slope compliance. In return, Kerry gets to keep his side yard. The Kalesti's would also need to forfeit a couple of feet along their property line on Loveland Slope. Because some of us cross some lines sometimes, I am willing to give up a slice of lot 11 as required to facilitate set

back requirements for the Kalesti's deck thereby maintaining required 20 foot access, on more favorable ground, for my lots 11,12 and 13 as well as the Mischlich property.

It is on my bucket list to build a small appropriate studio on some portion of my lots 11,12,or 13. It would greatly enhance project viability for me if we could abandon Fowler Branch at least along lot 13. In return, I would deed required access to the Mischlich property. THANKS everyone for your thoughtful consideration. James Andrews

Dawn Collins

Subject: FW: Planning Commission meeting 4/20/22

Dear Town of Palmer Lake & Town Boards & Commissions,

My name is Pattie Brooks, I'm writing this letter concerning item #3 on the agenda of the Planning Commission at the meeting on 4/20/22 to vacate an existing road named Loveland Slope.

I was not able to attend the meeting as I was out of state, so I sent a letter and asked for a copy to please be given to each Commission member and asked for the letter to please be read at the meeting. After listening to the meeting I have more question and concerns, please see below:

- 1) Did someone ask for the road Loveland Slope to be improved or developed? If not, why even entertain vacating the road that's been there over 75 yrs without any concern? If left as is, that would mean no fire hydrant or utilities would need to be moved or changed in any way.
- 2) Since there are utilities in the road Loveland Slope, if it we're vacated, would that make it harder to access these underground utilities?
- 3) Have any members of the Planning Commission seen the road named Fowler Branch? Trying to access our Brooks Family cabin from Fowler Branch at this time is not possible. This means the Family would have to invest a lot of money and bring in heavy equipment to even be able to get to their cabin this summer. The responsibility would fall on Richard Brooks, who is a retired pastor and cannot afford the expense.
- 4) It was stated in the meeting that part of the road the Brooks Family will now need use, Fowler Branch, has already been vacated, will the Brooks Family have to go through various meetings to reverse the part that's been vacated so they can even use Fowler Branch?
- 5) Instead of a slight left turn from the road Loveland Slope, currently used, now to get to the Brooks cabin and other lots, it would mean very hard Z type turns (about 9 turns) to get to the Brooks Family cabin from South Fork and Fowler Branch.
- 6) If a Fire Truck would have a hard time turning from Shady Lane onto Loveland Slope, the turn would be so much harder (impossible) from South Fork onto Fowler Branch.
- 7) It was stated that 7- households wrote letters, were those letters in favor, or against? How was a decision reached without reading those letters at the meeting? Therefor it seems as though our concerns were not heard, and an important decision was made without all these details being given to the Planning Commission members.
- 8) In the meeting it was stated there are bad drainage problems all along Shady Lane. Vacating the road Loveland Slope, that is not improved and pretty much at a natural state now, would not make a change in the existing drainage already experienced along Shady Ln.
- 9) In the meeting the owner of 179 Shady Ln. said he has no interest in the land that is the road Loveland Slope except to bring it back to a natural state. The owner stated he's already spent over \$13,000 on surveys, attorney fees, and other expenses, would someone spend this amount without a reason? We've been informed the owner of 179 Shady wants to add on to his house and needs the land area of the road he wants vacated, Loveland Slope, to be able to make his lot size adequate for set backs so he can add an addition.
- 10) It was stated at meeting on 4/20/22, the original request to vacate was for both Loveland Slope and Fowler Branch. This would mean no access at all to the Brooks Family cabin and other lots.

I do not feel the approval to vacate Loveland Slope was reached with all the facts and would ask the Planning Commission to please reconsider the decision as it would cause great hardship for the Brooks Family.

Thank you for your hard work and consideration of this request.

Sincerely,
Pattie Brooks

Dawn Collins

Subject: FW: Public Hearing regarding Loveland Slope (Vacate)

Greetings Dawn,

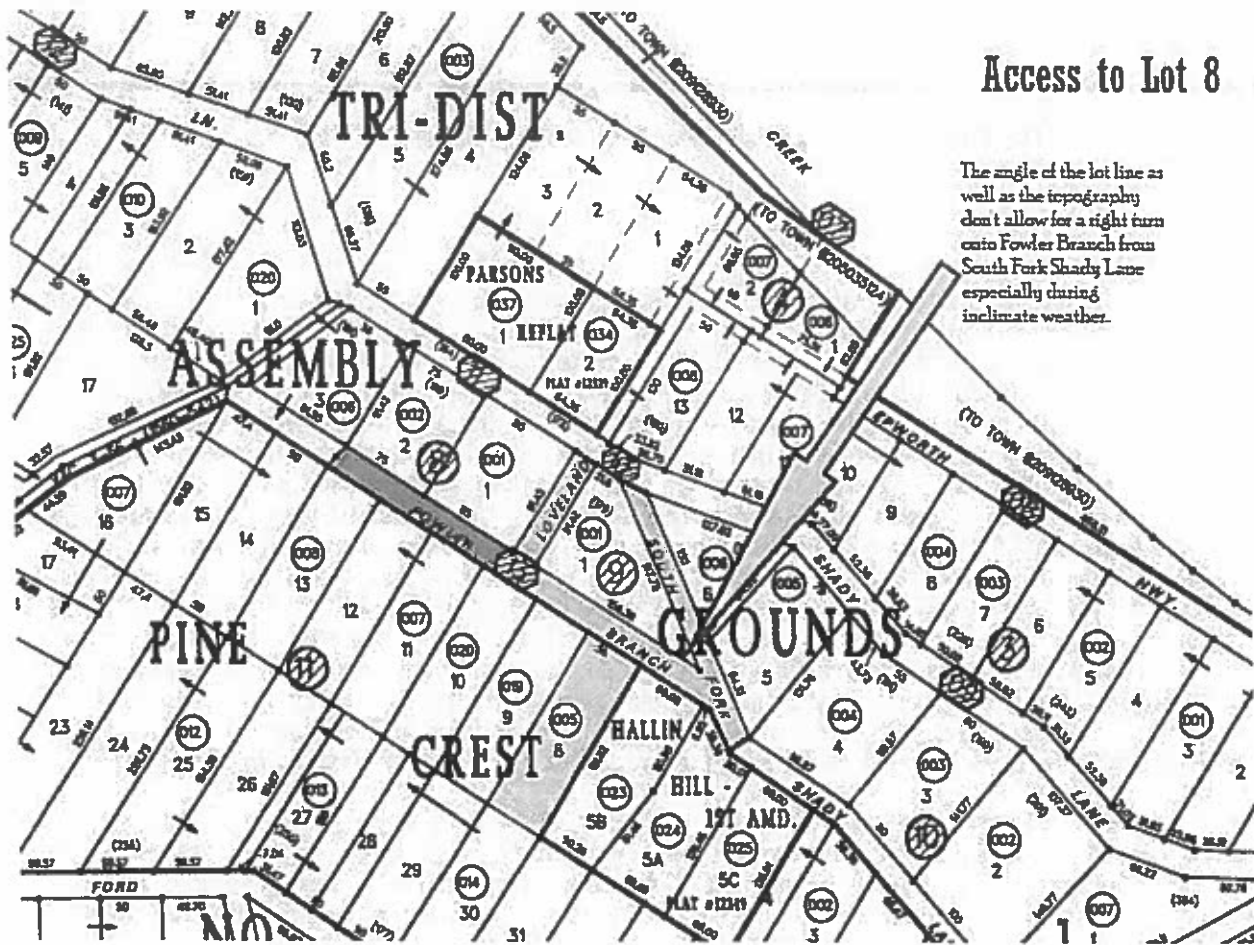
Thanks for the note and links below. This is Richard's son, Christopher, in response to the easement in question below. As you can imagine our biggest concern with this vacation of Loveland Slope is access to our lot. We have continually driven over Loveland Slope, as a family, for approximately 77 years from the time my grandfather purchased the land in 1945. At that time and up to the current date Loveland Slope was a platted public road connecting to Fowler Branch and the route in which we can were given by Palmer Lake to access our lot. With this being a publicly owned road we didn't need to record a Appurtenant Easement as we were able to use it as access to our lot and cabin without issue. With the potential of the vacation and the land going to private ownership we definitely fall within the prescriptive statutorily mandated period of 18 years of continual use and can demonstrate this was open and notorious usage during that period and many years prior. We have spoken with one of the two neighbors, Gene Kalesti, whom would take control of the vacated Loveland Slope and they expressed the willingness to allow our continued use of the road as we have done at a minimum twice a year since 1945. While we'd be open to that agreement with the neighbors we'd need it to be recorded as a nonexclusive appurtenant easement, or the like, in order to give access to our lot into perpetuity, or at least until an alternative means of ingress and egress are made available. Currently, access from South Fork to Fowler Branch, as shown below, is not a viable or safe alternative. We are unable to make a right hand turn from South Fork onto Fowler Branch without driving over the corner of Kerry Paige's property. That brings up another possible solution for our access if that corner were deeded back to the city in order to give enough of a radius to make that right hand turn on to Fowler Branch from South Fork.

I'm hopeful that the Town of Palmer Lake has given this thought and consideration in making the decision to vacate Loveland Slope. While we have no desire to develop Loveland Slope, we'd want to continue to use it as a driveway like we have in the past to get to our cabin. We and more than happy and willing to discuss what those options may be as they will cease to exist if everything else remains static and Loveland Slope is vacated by Palmer Lake.

We appreciate your time in this matter and look forward to meeting on May 27th at 9 am to discuss further, if not beforehand via email. Would also appreciate acknowledgment of receipt.

Thanks,

Christopher Brooks



Access to Lot 8

The angle of the lot line as well as the topography don't allow for a right turn onto Fowler Branch from South Fork Shady Lane especially during inclement weather.

----- Forwarded Message -----

From: Dawn Collins <dawn@palmer-lake.org>

To: Richard Brooks <obkgjb@yahoo.com>; Christopher Brooks <cpb6216@yahoo.com>

Cc: Bill Bass <bbass@palmer-lake.org>

Sent: Wednesday, April 27, 2022, 09:55:11 AM PDT

Subject: RE: Public Hearing regarding Loveland Slope (Vacate)

Hello Mr. Brooks,

I wanted to inform you that this communication was shared with all Planning Commission members as part of the printed packet for the 4/20 hearing.

Please note the published 4/20 agenda supplemental packet here:

<https://www.townofpalmerlake.com/meetings>

It is also part of the Board Trustees packet for the 4/28 hearing.

Note item 8 here:

<https://meetings.municode.com/adaHtmlDocument/index?cc=PALMERLAKE&me=657c4437e895411c803fbc08bbb10d2&ip=True>

Dawn Collins

Subject: FW: 4:20:2022 planning Commission meeting

Good afternoon Town Manager Collins & Town Planning Commission,

Our names are Jeff & Pattie Brooks. We are sending this note because we will be out of town for the next Town Planning Commission meeting sch'd to be held on Wed 4/20/22. We have a concern with an item on the agenda and hope this email could be read on our behalf during the meeting.

To whom it may concern: Our names are Jeff and Pattie Brooks, we have a concern with an item on the agenda for the meeting tonight. It has to do with vacating a road platted over 75 years ago in Palmer Lake named Loveland Slope. We and our whole family use this road to access our Brooks family cabin. By vacating this road, it would make it next to impossible for our family to drive up to our family cabin built by our great grandparents over 50 years ago and the land the family has owned for about 75 years. This cabin is used several times a year by family from out of town and in our wonderful Town of Palmer Lake. Both easements and this road are intended to protect our public domain and provide access for the city, and are important for all of us. If this road were to be vacated, the Palmer Lake Fire Dept would not be able to access this land or help someone needing medical help. If this road were to be vacated, the Town of Palmer Lake would have to make the entire road named Fowler Branch useable (right now only a small portion is useable where it ties into Loveland Slope). If this road were to be vacated, it would only be a benefit to the property owner alongside the road Loveland Slope and would be terrible for the whole Brooks family, the Town of Palmer Lake, and other neighbors. Thank you for your consideration of all concerned in this matter.

Sincerely,
Jeff and Pattie Brooks

Dawn Collins

Subject: FW: Public Hearing regarding Loveland Slope (Vacate)

Dawn Collins
Palmer Lake Township Clerk
Planning Commission
Palmer Lake, Colorado 80133

Dear Dawn:

Following a few attempts to speak with you by phone I was advised that email may be my best avenue to share a message with you regarding the public hearing in regard to vacating "Loveland Slope" between Fowler Branch and Shady Lane. I will not be able to attend the April 20 meeting as my wife will be hospitalized on that date following major back surgery on 4/18 in Wichita, Kansas.

While my Family property is not an immediate adjoining property to Loveland Slope, we have enjoyed the easy open access to our Lot 8 for more than 70 years by using Loveland Slope roadway. It was the access road several years ago that the EMS ambulance used to reach me when a trip to Penrose Hospital was necessary because of an acute health issue. I am willing to work with residents to relieve any current issues and will want to keep "easement rights into perpetuity" open for the easy access to our property for years to come. I would refer you to my son, Christopher Brooks cob6216@yahoo.com, as he is the next to enjoy the occupancy of our cabin at 000 Fowler Branch, Palmer Lake, Colorado (our tax related address). We (immediate as well as extended family) continue to visit and use the cabin on a regular basis.

Across the years we have helped the Palmer Lake Township by paying our property taxes, as well as assisting when requested by the township with funds to help keep the sewer functioning, in fact, several thousand dollars of sewer charges have been paid while we are not served by any sewer lines. We have tried to do our part.

I and my family request that easement rights on Loveland Slope be maintained into perpetuity for our ease and enjoyment of access to our property.

If there is further information that I should be aware of in advance of the 4/20/2022 5:00 PM at the renovated Town Hall meeting, I may be contacted at 620-665-7523, email obkgjb@yahoo.com, or mailing address below.

Thank you for your consideration.

Sincerely,

Richard G. Brooks
Richard G. Brooks
000 Fowler Branch
Palmer Lake, Colorado 80133
or
19 Harvest Lane
Hutchinson, Kansas 67502

ROW

138885

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF EL PASO

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 03/30/2022

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 03/30/2022, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette

SANDRA KING
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184014369
MY COMMISSION EXPIRES MARCH 30, 2022

**NOTICE OF PUBLIC HEARING
TOWN OF PALMER LAKE**
Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on April 20, 2022, at 5 PM at the Town Hall, 28 Valley Crescent, Palmer Lake, to consider an Application for Right of Way Vacation of unbuilt Loveland Slope (between Shady Ln and Fowler Branch) and a portion of unbuilt Fowler Branch (NW behind Block 8 Lots 1-2). A recommendation will be made to the Board of Trustees on the same matter scheduled for April 28, 2022, at 5 PM. A copy of the complete application is on file at the Town Clerk office at 719-481-2953.
/s/ Dawn A. Collins, Town Clerk
Published in the Tri-Lakes Tribune March 30, 2022.

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